

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

INTERNATIONAL BUSINESS  
MACHINES CORPORATION,

Plaintiff,

v.

JEFF S. SMITH,

Defendant.

17 Civ. 5808(CS)(PED)

**DECLARATION OF GREGORY F. LAUFER IN OPPOSITION TO DEFENDANT'S  
MOTION TO VACATE TEMPORARY RESTRAINING ORDER**

Gregory F. Laufer declares, under penalty of perjury, pursuant to 28 U.S.C. § 1746, as follows:

1. I am admitted to practice before this Court and am a member of the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys for Plaintiff International Business Machines Corporation ("IBM") in this action. I am personally familiar with the facts set forth herein. I respectfully submit this declaration in opposition to Defendant's motion to vacate temporary restraining order and deny IBM's request for a preliminary injunction or, in the alternative, to preclude IBM from presenting evidence at the preliminary hearing.

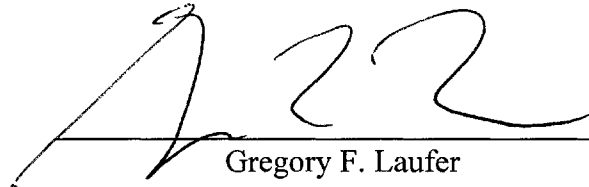
2. Attached as Exhibit A is a true and correct copy of the transcript of the deposition of Defendant Jeff Smith, taken August 17, 2017.

3. Attached as Exhibit B is a true and correct copy of a document produced by IBM in this action on August 8, 2017, bearing bates IBM-JSS\_00013163 to 13195.

4. Attached as Exhibit C is a true and correct copy of a document produced by IBM in this action on August 16, 2017, bearing bates IBM-JSS\_00014661 to 14671.

5. Attached as Exhibit D is a true and correct copy of a document produced by IBM in this action on August 16, 2017, bearing bates IBM-JSS\_00014672 to 14673.

I declare under penalty of perjury that the foregoing is true and correct.



Gregory F. Laufer

Executed on August 18, 2017  
New York, New York